

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATTHEW CATANZARO, # 313263,

Plaintiff,

v.

ANGIE BRAUER, et.al.,

Case Number: 09-cv-14769
Honorable Nancy G. Edmunds

Defendant(s).

/

**OPINION AND ORDER SUMMARILY DISMISSING PLAINTIFF'S COMPLAINT AND
DENYING HIS MOTIONS AS MOOT [DKT. ## 12 AND 14].**

Pending before the Court is Plaintiff Matthew Catanzaro's *pro se* civil rights complaint filed pursuant to 42 U.S.C. § 1983. Plaintiff is an inmate currently confined at the Marquette Branch Prison in Marquette, Michigan. On December 15, 2009, Magistrate Judge R. Steven Whalen signed an order directing Plaintiff to provide nine additional copies of his complaint in order to effect proper service upon the defendants. Plaintiff was given thirty days to respond to the order. Then, on December 29, 2009, Plaintiff filed a motion requesting additional time (fifty days) in which to file the necessary copies of his complaint. On January 14, 2010, the Court granted Plaintiff's request. To date, Plaintiff has not complied with the Court's order. Rather, Plaintiff filed an amended complaint, adding additional defendants, but failed to file additional copies of his complaint. For the reasons stated, the Court will summarily dismiss the complaint and will deny Plaintiff's motions for temporary restraining order and preliminary injunction as moot.

An inmate bringing a civil rights complaint must specifically identify each defendant against whom relief is sought, and must give each defendant notice of the action by serving

upon him or her a summons and copy of the complaint. *Feliciano v. DuBois*, 846 F. Supp. 1033, 1048 (D. Mass. 1994). Where a plaintiff is proceeding *in forma pauperis*, the district court must bear the responsibility for issuing the plaintiff's process to a United States Marshal's Office, who must effect service upon the defendants once the plaintiff has properly identified the defendants in the complaint. *Williams v. McLemore*, 10 Fed.App'x 241, 243 (6th Cir. 2001); *Byrd v. Stone*, 94 F.3d 217, 219 (6th Cir. 1996); Fed.R.Civ.P. 4(c)(2); 28 U.S.C. § 1915(d).

Against that backdrop, the Court will dismiss the complaint for want of prosecution, because of Plaintiff's failure to comply with Magistrate Judge Whalen's order by failing to provide the requested copies needed to effect service upon the defendants. See *Erby v. Kula*, 113 Fed.App'x 74, 75-6 (6th Cir. 2004); *Davis v. United States*, 73 Fed.App'x 804, 805 (6th Cir. 2003).

Accordingly, **IT IS HEREBY ORDERED** that Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: April 13, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on April 13, 2010, by electronic and/or ordinary mail.

s/Carol A. Hemeyer
Case Manager